

FILED

APR 21 2014

CLERK, U.S. DISTRICT COURT

By _____
Deputy

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

UNITED STATES OF AMERICA

v.

No. 4:14-MJ- 199

MARK ANTHONY PAPE (01)

CRIMINAL COMPLAINT

I, the undersigned Complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief:

On or about February 9, 2014, **Mark Anthony Pape**, knowingly employed and used a minor to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct, using materials that have been mailed, shipped, and transported in and affecting interstate and foreign commerce by any means, including by computer.

Specifically, **Pape** used a Huawei T-Mobile MyTouch cellular phone to create the following visual depiction of a minor engaged in sexually explicit conduct:

Vid_20140209_214743[1].mp4: A video file in which **Pape** is engaged in genital/genital, digital/genital, and oral/genital intercourse with a prepubescent female.

In violation of 18 U.S.C. § 2251(a).

I, Amanda N. Johnson, being duly sworn, declared and state as follows:

1. I am a Special Agent with the United States Immigration and Customs Enforcement (ICE), Homeland Security Investigations (HSI), assigned to the Special Agent in Charge, Dallas, Texas. I have been employed with HSI since November 2007.

As part of my duties as an HSI agent, I investigate criminal violations relating to child exploitation and child pornography, including violations pertaining to the illegal production, transportation, distribution, receipt, and possession of child pornography, in violation of 18 U.S.C. §§ 2251, 2252 and 2252A. I have received training in the area of child pornography and child exploitation, and have had the opportunity to observe and review numerous examples of child pornography (as defined in 18 U.S.C. § 2256) in all forms of media, including computer media. I have been involved in numerous child pornography investigations and am very familiar with the tactics used by child pornography offenders who collect and distribute child pornographic material.

2. As a federal agent, I am authorized to investigate violations of the laws of the United States and to execute warrants issued under the authority of the United States.

3. This affidavit sets forth facts and suggest reasonable inferences from those facts, establishing that there is probable cause to believe that on or about February 9, 2014, in the Northern District of Texas, **Mark Anthony Pape**, committed the offense of Production of Child Pornography, in violation of 18 U.S.C. § 2251(a), which makes it a crime for any person to employ, persuade, induce or coerce a minor to engage in any sexually explicit conduct for the purpose of producing a visual depiction of such conduct.

4. The information contained in this affidavit is from my personal knowledge of the described investigation and from information obtained from other law enforcement agents.

OVERVIEW OF INVESTIGATION

5. On February 11, 2014, the National Center for Missing and Exploited Children (NCMEC) received a cyber-tip from Google, Inc. regarding an individual using the email address lilvaglv@gmail.com to upload an image containing suspected child pornography to the internet. Google captured the IP address of the individual utilizing this email account and the NCMEC cyber-tip technician determined it was registered to Charter Communications. Geolocation information associated with the IP address also indicated the user was located in the Fort Worth, Texas area. NCMEC subsequently forwarded this information to the Dallas Internet Crimes Against Children taskforce (ICAC).

6. On March 3, 2014, Detective Greg Dugger of the Dallas Police Department ICAC sent a State of Texas administrative subpoena to Charter Communications to determine the subscriber of the IP address associated with lilvaglv@gmail.com during the time in which the image was uploaded. Charter responded to the summons and provided the following information:

Customer Name: "Mark Vanausdall"
Customer/Service
Address: 816 Churchill Road, Trailer #12, Fort Worth, Texas 76114-3400
Type of Service: Internet, Video & Telephone
Length of Service: 06/13/2011 to Present

7. Detective Dugger determined through open source internet queries and queries in law enforcement databases that a registered sex offender identified as **Mark Anthony Pape** resided at 816 Churchill Road, Trailer #12, Fort Worth, Texas.

Pape, the biological son of Mark Vanausdall, was arrested as a juvenile in 2006 in Guadalupe County, Texas for aggravated sexual assault of a minor. Detective Dugger forwarded this information to the Fort Worth Police Department.

8. On April 9, 2014, Detective Domingo Martinez of the Fort Worth Police Department secured a Texas State search warrant for 816 Churchill Road, Trailer #12, Fort Worth, Texas. Subsequent to the search warrant, Detective Martinez seized numerous computer media items belonging to **Mark Pape**, to include a Huawei T-Mobile MyTouch cellular phone, Serial Number E7F7ND9371301344, containing a Sandisk 8GB XD card. The phone was manufactured in China. Detective Martinez submitted the cellular phone containing the 8GB memory card to forensic computer examiner James Willingham of the Fort Worth Police Department for forensic examination.

9. As a result of a forensic examination of the 8GB Sandisk XD card, Detective Willingham located images and videos of **Pape** engaged in the sexual abuse of a prepubescent female. One of the videos, identified by filename as "Vid_20140209_214743[1].mp4," depicted **Pape** engaged in genital/genital, digital/genital, and oral/genital intercourse with a prepubescent female. The victim is lying on her back, nude from the waist down. It appears that she is holding the camera above her body, pointed towards her genitals while **Pape** penetrates her vagina with his penis. **Pape** ejaculates on the victim's vagina and takes the camera/phone from the victim.

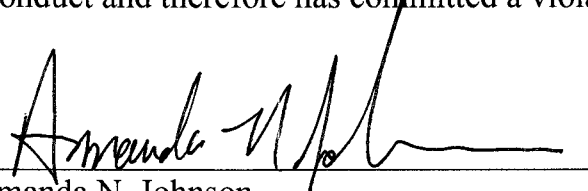
Pape then held the camera/phone while he digitally penetrated the victim. **Pape** then orally penetrated the victim while holding the camera/phone. The video was approximately 1:53 in length and the creation date was listed as February 9, 2014. The video appears to have been taken at **Pape's** home in the Fort Worth Division of the Northern District of Texas.

10. On April 18, 2014, I met with Detective Martinez and forensic computer examiner James Willingham and viewed the material found on **Pape's** cellular phone. Based on my training and experience, I determined the file identified as Vid_20140209_214743[1].mp4 depicts the sexual abuse of a prepubescent female and therefore contains child pornography as defined by 18 U.S.C. § 2256.

CONCLUSION

11. Based on the foregoing facts and circumstances, I respectfully submit that there is probable cause to believe that on or about February 9, 2014, in the Northern District of Texas, **Mark Anthony Pape** used a minor to produce a visual depiction of a minor

engaged in sexually explicit conduct and therefore has committed a violation of
18 U.S.C. §2251(a).



Amanda N. Johnson
Special Agent
Department of Homeland Security Investigations

Subscribed and sworn before me this 21st day of April, 2014 in Fort Worth, Texas at
a.m.



JEFFREY L. CURETON
United States Magistrate Judge